



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

FEB 3 - 2014

**OFFICE OF
COMPLIANCE AND ENFORCEMENT**

Reply To: OCE-133

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Roger Healy
Chief Engineer
Alaska Department of Transportation and Public Facilities
Division of Design and Engineering Services
3132 Channel Drive
P.O. Box 112500
Juneau, Alaska 99811-2500

Re: United States of America v. State of Alaska, Department of Transportation and Public Facilities
Consent Decree (Consent Decree), Civil Action No. 3:10-cv-00115-JWS

Dear Mr. Healy:

The U.S. Environmental Protection Agency (EPA) received your letter sent on January 9, 2014, in which the State of Alaska's Department of Transportation and Public Facilities (DOT&PF) requested, pursuant to Paragraph 53 of the above-mentioned Consent Decree, the United States waive the stipulated penalties demanded on November 27, 2013. The United States declines to waive the stipulated penalties. However, we are willing to meet with DOT&PF to discuss its concerns with the stipulated penalties and the underlying violations.

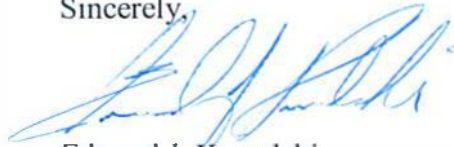
DOT&PF's Annual Reports for 2010, 2011, or 2012 reveal that DOT&PF has never complied with all of its obligations under the Consent Decree for one entire calendar month. DOT&PF negotiated and agreed to the terms of the Consent Decree to resolve alleged violations of the Clean Water Act, and EPA expects DOT&PF to fully comply with all of the terms of that agreement.

DOT&PF should be prepared at our meeting to discuss how it has utilized, and will utilize, its best efforts to obtain sufficient funding through the State of Alaska budgetary process to fulfill its obligations under the Consent Decree, in accordance with Paragraph 52 and Section VII of the Consent Decree.

EPA understands DOT&PF would also like to discuss termination of the Consent Decree. EPA expects compliance with the Consent Decree prior to termination, so any discussion of expedited termination would be premature at this time.

Should you have any questions regarding this letter, you may reach me at (206) 553-6695, or have your counsel contact Chris Bellovary, Assistant Regional Counsel, at (206) 553-2723. Thank you.

Sincerely,



Edward J. Kowalski
Director

cc: Kristine Benson
Alaska Department of Transportation
and Public Facilities

Annei Goldsmith
Alaska Department of Law

Kathryn Macdonald
U.S. Department of Justice

Jeff Stark
Alaska Department of Law